

Remarks

This is in response to the Office Action mailed on January 9, 2006. Claims 19-23, 25, and 31 are pending and rejected. With this amendment, the independent claims 19, 25 and 31 are amended. The remaining claims are unchanged. No pending claims are cancelled, and no new claims are added.

The pending claims were rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Dilger and in further in view of Anecki (a new reference in the combination). Applicants respectfully challenge the propriety of the Anecki reference as prior art, or at least the extent to what of the disclosure is prior art. Applicants also submit that the amended claims are patentably distinguishable from the combination of references regardless of the Examiner's determination on the prior art status and scope of Anecki.

Applicants urge careful reconsideration of the application of the Anecki patent reference as prior art to the pending claims. Applicants respectfully submit that Anecki can qualify as prior art only under 35 U.S.C. 102(e). Applicants respectfully point out that the filing date of the Anecki utility patent application upon which the reference is based is March 7, 2001, which is after the filing date of April 17, 2000, of the present application. The filing date of the Anecki provisional application, however, is March 7, 2000. Applicants respectfully submit that the Anecki patent reference does not in its entirety qualify as prior art, but that it qualifies as prior art at most only to the extent of subject matter disclosed in the provisional application. In this case, there is significant discrepancy of the scope of disclosure between the Anecki provisional and the Anecki patent. To the extent that subject matter is not disclosed in the Anecki provisional, at least, the subject matter of the Anecki patent should not be considered prior art to the pending claims.

Further, Applicants respectfully submit that the prior art of record does not show or suggest the features of the amended claims. For example, the prior art does not show the

features of "the nondisclosure agreement data is based on a nondisclosure agreement initiated with the nondisclosure agreement mechanism that is independently accessible by both the user and a third party to the agreement using the contract manufacturing framework to initiate the nondisclosure agreement."

These features are not shown or suggested in the Anecki patent or in the Anecki provisional. The Anecki provisional shows a system in which a company representative logs on and completes necessary fields for a nondisclosure agreement. Based on the inputs into these fields, a proposed nondisclosure agreement is prepared for the company representative. The company representative then sends, either by fax or e-mail, the proposed agreement to a third party in the typical manner, who then executes (or modifies, as would be in their prerogative) and returns the agreement to the company. This generated nondisclosure agreement is then stored on the system.

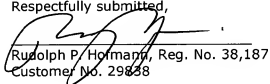
The Anecki provisional does not provide support for the portions relied upon in making the rejections of the claims in the Office Action, i.e., Anecki patent co. 19, line 56 through col. 20, line 40. For example, there is no mention in the Anecki provisional of "receiving an approval message from a remote party other than a marketing representative or the customer . . ." and other features.

Also, there is no support in either the Anecki patent or the Anecki provisional that "a non-disclosure agreement is initiated with the nondisclosure agreement mechanism that is independently accessible by both the user and a third party using the . . . framework." In particular, the Anecki provisional only discloses or suggest that a company representative has access to the company nondisclosure agreement system. There is no disclosure or suggestion in the Anecki patent that someone other than a company representative have access to the company system.

Because at least these features are missing from each of the cited references separately, these features cannot be found in any proposed combination of the references. Accordingly, Applicants respectfully request removal of the rejection, favorable action on the application, and a Notice of Allowance.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7340. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 60021-358201).

Respectfully submitted,



Rudolph P. Hoffmann, Reg. No. 38,187
Customer No. 29838

OPPENHEIMER WOLFF & DONNELLY LLP
Plaza VII, Suite 3300
45 South Seventh Street
Minneapolis, MN 55405
Phone: 612-607-7340